

UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF VERMONT

In Re:

Edward Higley,  
Debtor

)  
)  
)  
)  
)

Case No. 14-10339

Chapter 13

**OBJECTION TO MOTION TO CONTINUE CONFIRMATION HEARING**

NOW COMES Volvo Financial Services, a division of VFS US LLC (Volvo Financial) by and through its attorneys, Pratt Vreeland Kennelly Martin & White, Ltd., and hereby submits the following objection to the Motion to Continue the Confirmation Hearing scheduled for September 19, 2014.

1. Volvo Financial objects to the continuation of the Confirmation Hearing on the grounds set forth in its Objection to the Chapter 13 Plan (Doc 29) and its Motion for Relief from Stay (Doc 23).
2. This case was filed on June 5, 2014. Schedules were filed, after the Court granted an extension, on July 10, 2014. The Confirmation Hearing was set for August 22, 2014. Two objections to the Chapter 13 Plan were filed, one by Volvo Financial, and one by the IRS. The IRS' objection (Doc 30) pointed out that Debtor has not filed individual income tax returns for the years ending December 31, 2012 and December 12, 2013. Also unfiled were employment tax returns for various time periods between 2012 and 2014.
3. The Debtor was presumably aware that he had not filed tax returns when the Petition was filed. The Plan is not confirmable for many reasons, but failure to

have filed tax returns is an insurmountable bar to confirmation of the Plan. 11 USC §§ 1308, 1325(a)(9). The case has been on the docket for more than 90 days, and Debtor has had the benefit of the automatic stay for that period of time as to Volvo Financial's collateral, which had been repossessed by Volvo Financial prior to the filing.

4. The Debtor cannot prove that his Plan is feasible, the Confirmation Hearing should not be continued, and Volvo Financial should be granted relief from the stay.

DATED at Rutland, Vermont this 12th day of September, 2014.

/s/ John J. Kennelly

John J. Kennelly, Esq.  
Pratt Vreeland Kennelly Martin & White  
64 North Main Street  
P.O. Box 280  
Rutland, VT 05702-0280  
Telephone: (802) 775-7141  
ERN: 2039 / ATY 2069